

MINUTES
Town of Lexington
Executive Sessions
COUNCIL WORK SESSION

February 21, 2012

Town Council held an Executive Session followed by a Council Work Session on February 21, 2012 in the Eli Mack Sr. Room. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ted Stambolitis, Danny Frazier, Todd Shevchik and Steve MacDougall. Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Town Attorney Brad Cunningham, Police Chief Terrence Green, Director of Planning, Building and Technology John Hanson, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Director of Parks, Streets and Sanitation Dan Walker, Events and Media Coordinator Jennifer Dowden, and Municipal Clerk Becky Hildebrand.

There were three (3) citizens present and no reporters from the news media.

EXECUTIVE SESSION REPORT #1

Mayor Halfacre reported that the *Executive Session #1* was called to order at 5:20 p.m. after a motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to go into *Executive Session*. The motion was unanimously carried by all those present. (Mayor Pro-Tem Livingston and Councilmembers Maness and Shevchik were absent for the vote.) Council adjourned from *Executive Session* at 6:19 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis. The motion was unanimously carried. Mayor Halfacre reported that Council met in *Executive Session* to discuss: one personnel matter; three pending legal matters and three contractual issues. No vote was taken. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to ratify the Mayor's *Executive Session* report. The motion was unanimously carried.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor Halfacre introduced the Council Members and welcomed everyone to the Council Work Session. He apologized for the late start of the meeting. Mayor Halfacre gave the invocation. Councilmember MacDougall led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:21 p.m.

APPROVAL OF MINUTES

A motion was made by Councilmember Maness and seconded by Councilmember MacDougall to approve the minutes from Council's Regular Meeting held on November 7, 2011. The motion was unanimously carried by all those present. (Mayor Pro-Tem Livingston was not present for the vote.)

PRESENTATIONS

1. **Mr. Frank Roberts – Town Dog Park:** Mr. Robert's father lived in the house on South Church Street that backs up to Virginia Hylton Park. He added that it is approximately two acres and is the last remaining property next to the park. He stated that the Town purchased the old Clark house, with a pond, and has recently recommended that a dog park go on that property. Mr. Roberts gave a history of the property and how his grandfather was a doctor in Lexington and his grandmother was a nurse. The Town helped purchase property for him in Town so he would be closer in, since it was the horse and buggy days and the flu epidemic of 1919 had depleted the population of Lexington. He added that when farmers were moved off the land that was to become Lake Murray, farming was devastated because they did not know how to grow crops in sand land. The doctor's office was moved to the old Harmon Drug Store, located next to the Court House. Mr. Roberts still has the "Doctor Is In" sign. His grandfather passed away in 1938 and following the funeral his grandmother tore up all the IOU's. His father went to pre-med at USC and then went to the Army Air Corp. Mr. Roberts gave a brief history of his father's military history including being one out of 100 graduates to survive World War II. Mr. Roberts asked Council for their consideration to put the dog park at another location. He did not think the property on South Church Street was a proper area for a dog park. He added that he would work with the Town, within limits, to purchase his family property since it is last property next to Virginia Hylton Park.

Mayor Halfacre thanked Mr. Roberts for the information.

BUSINESS ITEMS: (For Discussion and Recommendation for Council Meeting on March 5, 2012.)

1. **Rental Fee Waiver Request for the American Cancer Society – Events and Media Coordinator Jennifer Dowden:** Ms. Jessica Kub with the American Cancer Society – Relay for Life Lexington County requested a fee rental waiver for their annual Cancer Survivor Dinner on April 24, 2012. Following is the value for the event: Conference Center Rental Fee \$600 and Technology Fee \$75. A \$250 deposit is still required. (Request letter attached.)

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to place the item on Council's March 5, 2012 agenda for consideration. Mayor Halfacre confirmed that the Town had waived the fee in the past. The motion was unanimously carried.

2. **Rental Fee Waiver Request for Kids Day – Events and Media Coordinator Jennifer Dowden:** Dr. Jud Heldreth requested the use of Town Hall facilities for Kids Day 2012. He requested, as in years past, the fees associated with these facilities be waived as a continuing gesture of Kids Day. Dr. Heldreth asked for the

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Eli Mack Sr. Room for the week of April 22nd – 28th for delivery, storage, meetings and event day usage; front halls of the Municipal Complex for the Kids Day Art Show (no charge); and Virginia Hylton Park (including stage area) for Saturday, April 28th from 7:00 a.m. until 3:00 p.m. for the Kids Day of Lexington event. (Request letter attached.) Following is a list of the values for the requests (Deposits still required):

Eli Mack Sr. Room (4/22 – 4/28) Deposit \$100 and Rental fee \$1,050 (\$150 x7)
Virginia Hylton Park Shelter (4/28) Deposit \$100 and Rental Fee \$50
Total Deposits: \$ 200.00
Total Rental Fees: \$1,100.00

A motion was made by Councilmember Frazier and seconded by Councilmember Maness to place the item on Council's March 5, 2012 agenda for consideration. Mayor Halfacre confirmed that the event no longer raises funds for the Police Department, but donates to the Nancy K. Perry Children's Home. The motion was unanimously carried.

- 3. The Lexington Wildcat Athletic Booster Club Fee – Events and Media Coordinator Jennifer Dowden:** The Lexington Wildcat Athletic Booster Club will host a silent auction fundraiser on August 18, 2012. The event will raise funds to support the athletes and athletic department of Lexington High School. The organization asked for a fee waiver for August 18, 2012 for the Conference Center. The event would be an all weekend rental as requested for additional set-up and break down. (Request letter attached.) Following is the value for the event: Conference Center for 8/18/12 – Rental Fee \$600 (In-Town) or \$1,000 (Out-of-Town). The deposit of \$250 would still be required. (Check already received.)

A motion was made by Councilmember Frazier and seconded by Councilmember MacDougall to place the item on Council's March 5, 2012 agenda for consideration. Councilmembers Maness and Shevchik wished to verify that no weddings were turned down due to this request. Ms. Dowden stated that weddings usually book far in advance and special request items are filled in when dates are available. The motion was unanimously carried.

- 4. Town Dog Park – Director of Parks, Streets and Sanitation Dan Walker:** At the October 2011 Work Session, Council and staff discussed the addition of a dog park to the Town's park system. The park's placement on Town-owned property facing South Church Street and abutting Virginia Hylton Park was a consideration. (Property diagram attached.) As of February 15, 2012, the Director was still awaiting some late pricing. The park would occupy approximately two fenced in areas. Discussion was requested as to the amenities desired by Council.

Mr. Walker further explained the dog park plans and distributed a cost estimate sheet and aerial photo of the property. He stated that total cost was estimated at \$92,185.00 with the largest portion (\$39,985) being an eight foot brown fence

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with two locked entrances. He anticipated that an annual membership fee (approximately \$25.00 per dog) could be charged to help offset upkeep and to give the participants some ownership in the appearance of the dog park. It would also help ensure that dog licensing was properly obtained. Mr. Walker stated that the second largest cost item (\$15,000) would be a bridge connecting the dog park to Virginia Hylton Park. He added that other locations could be considered and each would need at least two acres of land, open space, ample parking, and accessibility. Corley Street Park was also considered, but parking is limited and there are no open spaces. Mr. Walker stated that the old landfill property was also considered and the lower portion of the property could be used, but it would need a lot of landscape work. He stated a fourth location was property on Twelve Mile Creek, located behind Woodcreek and Golden Hills subdivisions. A fifth location considered was the Whiteford Creek parcel which included some wetlands donated to the Town, but the surrounding property was not in Town and it did not have accessibility. A sixth location considered was near Lexington Heights and next to SCE&G's right-of-way, but it was out of the way and did not have adequate parking. Mr. Walker stated the last property considered, as recommended by Assistant Administrator Ford, is four to five acres owned by Lexington County, but it is near the Town's water tank located at the soccer fields off Hendrix Street.

Councilmember Stambolitis inquired about using Gibson Pond Park. Mr. Walker responded that the parking area would have to be used and then there would not be sufficient parking for the parks. Town Administrator Poole stated that the property near the water tank was a good fit for several reasons: it was not too close to residents (2 ½ blocks); Hendrix Street is a collector road; cost could be immediately reduced by \$25,000 because there would be no need for a bridge or for parking installation and the entire project could be less than \$50,000. He stated that by charging an annual fee, citizens have ownership of the park and the Town would not have to police it as often. He added that it would be imperative to discuss the property with Lexington County, but when it was annexed the County did not have a planned use for it. Mr. Walker added that they could also tie into the existing fence and would not need a high grade fence. Councilmember Stambolitis agreed that \$100,000 is a lot for a dog park. Mayor Halfacre stated that maybe the Town could lease it for \$1.00 year, much like the property at the Leisure Center and the fire house. He added that the property near Hendrix Street or the property on South Church Street could be workable solutions for a dog park. He added that he liked the idea of charging an annual fee and would like for citizens to get a preferred rate. He also distributed an article about dog parks in South Carolina and he thought there would be a lot of participation. Mayor Pro-Tem Livingston stated that she liked the Hendrix Street location best.

Town Administrator Poole stated that he would contact Lexington County. He recommended that the Town's Advisory Committee be used as a sounding board for the project as opposed to forming a new committee. It was the consensus of

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Council to instruct staff to do further research on the cost estimates for the Hendrix Street location as discussed and bring the item back to a Council Work Session for further discussion.

5. **Highway 378/14 Mile Creek Pump Station and Force Main Project – Assistant Town Administrator Ford for Director of Utilities, Engineering and Planning Allen Lutz:** On January 12, 2012, the Town opened sealed bids for the Highway 378/14 Mile Creek connector Force Main and Regional Pump Station Project. Bids were opened at 2:00 p.m. with eight responsive bidder's submitting bids which were as follows:

(1) Buckeye Construction Company, Inc.	\$4,412,732.00
(2) Chandler Construction Services, Inc.	\$4,559,277.00
(3) Dellinger, Inc.	\$4,867,548.00
(4) Lad Construction of West Columbia	\$4,872,211.79
(5) Republic Contracting Corporation	\$4,917,690.00
(6) MLJ, Inc. / Seaside Utilities, Inc.	\$4,939,279.00
(7) McClam & Associates, Inc.	\$5,110,414.15
(8) Wateree construction Company, Inc.	\$6,994,047.00

Bids were reviewed and references were checked by the engineers and Town staff. The Notice of Award was sent to Buckeye Construction Company as the low bidder in the amount of \$4,412,732.00. The information was provided to Council as information only.

Councilmember Frazier requested additional information regarding the bid process. He recommended that local vendors be used because non-local vendors did not have to use local subcontractors. Councilmember Stambolitis stated that the Town did not want the price to go up due to "change orders". Assistant Administrator Ford stated that all the bidders had to document pricing of local subcontractors. Town Administrator Poole stated that Town staff had verified the references provided by the bidders. He added that the Town has a very good local vendor preference ordinance and it allows for the most preference as allowed by State law. He stated that the difference in pricing is over \$400,000. Mr. Poole assured Council that "change orders" would be scrutinized and should only be submitted if changes or additional work was required by the Town. He added that the Town has made many improvements regarding how bids are requested and he does not anticipate change orders like in the past. He advised Council that this contract has been signed. Mr. Poole stated that the engineer for the project is Thomas Thain, URS/BP Barber. He added that a pre-bid conference was held with the bidders so they all receive the same information and the bid package also contained the instructions for bidding. He stated that with the re-bid, they had each received the information twice. Mr. Poole later agreed to review caps to see if they needed to be higher. Councilmember Frazier recommended that the bid ordinance be changed to instruct that all bids as large as this one should come before Council prior to the bid award. He later

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recommended all bids over \$50,000 come to Council and there should be a 7% cap at \$10,000. Councilmember Frazier remembered when he first came on Council and the lowest bidder later had enough change orders that the total exceeded the next lowest bid.

Mayor Halfacre reminded Council of how many bids are processed for the Town and, as a Mayor and Council, they should not micro-manage the process. He stated that by following the policy they avoided legal jeopardy. He added that the policy is not transparent if you micro-manage it. Mayor Pro-Tem Livingston suggested looking at the City of Columbia's ordinance. Councilmember Shevchik agreed with Mayor Halfacre in that Council sets the policy and it should be followed to award the bid to the lowest bidder. Town Administrator Poole stated that staff would review the ordinance and the process and bring the item back to the next Council Work Session. He added that if the policy had been modified with this bid, it would not have changed the bid award.

6. (Removed.) **Cats Kick Cancer Pledge:** Councilmember Shevchik requested that the item be removed.
7. (Removed.) **The Lexington Wildcat Wrestling Team Fundraiser:** Events and Media Coordinator Dowden stated that the request had been withdrawn due to a conflict with the championship date.
8. **Discussion Regarding Gasoline Price Signs – Director of Planning, Building and Technology John Hanson:** Mr. Madhu Shrivastava recently attended a Council Work Session to discuss the sign ordinance's prohibition against automatic price signs for gas stations. During his presentation, Mr. Shrivastava presented Council with copies of the City of Columbia and Richland County sign ordinances and asked that the Town's ordinance be reevaluated to allow this type of sign. Since then Mr. Hanson received a request from another gas company to consider similar changes to the sign ordinance. A proposal from this company may be forthcoming. After reviewing both the City of Columbia and Richland County's ordinances it appears that both of these jurisdictions address this issue by allowing moving message boards, but limiting how often the message can change. These ordinances apparently do not have specific exemptions for gasoline sales. If Council would like to look at revising the Town's ordinance to allow moving message boards to meet this specific application, Mr. Hanson offered to research some options for Council. He added that the second company had been asked to prepare a proposal that would conform to the Town's ordinance.

Mr. Hanson and Municipal Attorney Cunningham both believe that making a change to the existing ordinance could create an opportunity for other businesses that want messages that change automatically on their signs to challenge the Town's sign ordinance. Mr. Hanson proposed no change to the ordinance. He added that if the Town "cracks the door" to change the ordinance, it could open a can of worms.

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Town Administrator Poole stated that staff could look into it further. He stated that our ordinance does not allow the sign to move at all and Columbia's ordinance allows movement every six seconds.

Mayor Halfacre stated that the time may have come for Council to consider it. Councilmember Stambolitis asked about allowing it but only if the sign changed once a day. He added that we are in the 21st century and some large companies had to bring their signs down because of the ordinance. Mayor Pro-Tem Livingston recommended that Council wait and see what the second company proposed.

COUNCIL COMMENTS

Mayor Halfacre stated that he and Councilmember MacDougall attended MASC's Hometown Legislative Action Day last week in Columbia. He stated that several issues were discussed during the sessions: (1) Continuation of lack of financial support to local governments. Mayor Halfacre stated that the Town of Lexington can stand it better than some other towns. (2) Rehabilitation of abandoned buildings. (3) Capital Project 1¢ Tax. Mayor Halfacre stated that projects and a price would need to be named for the tax. He added that the Town of Lexington's project could be roads, since he does not see that funding coming from the State or the Federal government.

Mayor Pro-Tem Livingston suggested that the dog park be named in memory of K-9 "Ice" to possibly include a statue.

Councilmember Maness stated that the local government fund was before the Ways and Means Committee. She added that Representative Merrill added a proviso that prevents all local government entities and associations from using taxpayer funds for lobbying activities.

Councilmember Stambolitis asked if additional Christmas lights could be added to the budget this year. He stated that he had received many good comments about the lights this year and he would like to add to them next year. Councilmember Maness suggested that the Town's Advisory Committee offer suggestions. Mayor Halfacre suggested that the Downtown Merchants Association also be included since most of the decorations are in the heart of Town. Mr. Walker stated that the budget for lights was \$30,000 last year, but approximately \$10,000 had been used for the start-up of the Town's Farmers Market. Mayor Pro-Tem Livingston suggested a fundraiser be started to help offset the costs of Christmas decorations.

Councilmember Frazier requested that Council return to Executive Session to discuss a legal matter.

STAFF COMMENTS

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Police Chief Green reminded everyone of the 10K Run Against Hunger this Saturday from 7:30 a.m. to 10:30 a.m. He added that there would be some traffic delays due to the race.

PUBLIC COMMENTS

Mr. Sherrill Harris, stated that he owns property on Hendrix Street, and as a concerned citizen, he wished to ask about the Town's Vision Plan. He wanted to know if the Council was going to be open to additional ideas and/or input for the Vision Plan before it became final. Mayor Halfacre responded that the Council will see the Vision Plan in a few weeks at their two day retreat. At that time they will review it; make long and short range priority recommendations; and, then present it to the Town citizens for comments.

ADJOURNMENT: There being no further comments or questions, a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Frazier to adjourn the Council's Work Session at 7:48 p.m. and to go into Executive Session to discuss a legal/contractual matter. The motion was unanimously carried.

EXECUTIVE SESSION #2

Mayor Halfacre called the Executive Session #2 to order at 7:49. Council adjourned from *Executive Session* at 8:18 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Frazier. The motion was unanimously carried. Mayor Halfacre reported that Council met in *Executive Session #1* to discuss two legal/contractual issues regarding franchise fees and business license fees. No vote was taken. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to ratify the Mayor's *Executive Session #2* report. The motion was unanimously carried.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

Randy Halfacre
Mayor

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FOIA COMPLIANCE – Public notification of this meeting was published, posted and mailed in compliance with the Freedom of Information Act and the Town of Lexington requirements.